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16
17 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
18 **SAN FRANCISCO DIVISION**

19 In re:
20 ANTHONY SCOTT LEVANDOWSKI,
21 Debtor.

Bankruptcy Case
No. 20-30242 (HLB)
Chapter 11

Hon. Hannah L. Blumenstiel

Adv. Pro. No. 20-03050 (HLB)

22
23 ANTHONY LEVANDOWSKI, an individual,

24 Plaintiff,

25 v.

26 UBER TECHNOLOGIES, INC.,

27 Defendant.
28

**PLAINTIFF'S ADMINISTRATIVE
MOTION TO FILE PARTIALLY
REDACTED MOTION *IN LIMINE* TO
EXCLUDE EVIDENCE AND
ARGUMENT IN SUPPORT OF UBER'S
EQUITABLE INDEMNITY
COUNTERCLAIMS AND TO FILE
EXHIBITS B, C, D, E, H, I, AND L
UNDER SEAL**

1 Plaintiff Anthony Levandowski (“Mr. Levandowski”) submits this Administrative Motion
2 to seal pursuant to Sections 105(a) and 107(b) of Title 11 of the United States Code (the
3 “Bankruptcy Code”), Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy
4 Rules”), and Civil Local Rule 79-5 (applicable here pursuant to Local Bankruptcy Rule 1001-
5 2(a)), for entry of an order permitting Mr. Levandowski to file under seal certain exhibits to the
6 January 31, 2022 Declaration of Brett M. Schuman (“Schuman Decl.”) in Support of Plaintiff’s
7 Motion *in Limine* to Exclude Evidence and Argument in Support of Uber’s Equitable Indemnity
8 Counterclaims (“Motion”) and to redact portions of the Motion relying on the exhibits.

9 I. BACKGROUND

10 On September 16, 2020, the Bankruptcy Court entered a Protective Order in the adversary
11 proceeding (“Protective Order”). *See* Adv. Dkt. No. 42. The Protective Order recognizes the
12 parties’ obligation to follow the procedures set forth in Civil Local Rule 79-5 when warranted.
13 The parties to this action are bound by additional protective orders entered into in the prior
14 litigation *Waymo LLC vs. Uber Technologies, et al.*, (Case No. 17-00939) (“*Waymo* litigation”) and in
15 *Google LLC v. Levandowski*, JAMS Case No. 1100086069 (“Google arbitration”).

16 II. BASIS FOR RELIEF REQUESTED

17 The Bankruptcy Code, the Bankruptcy Rules, and the Bankruptcy Local Rules authorize
18 the Court to restrict disclosure of confidential information if such restrictions protect the parties
19 from potential harm. Bankruptcy Code § 107(b) provides that upon a parties’ request to seal or
20 redact information, “the bankruptcy court *shall*” issue any order to “protect an entity with respect
21 to a trade secret or *confidential* research, development or commercial information.” 11 U.S.C. §
22 107(b) (emphasis added). The Bankruptcy Rules similarly permit the Court to issue any orders
23 that “justice requires,” including orders “to protect the estate or any entity in respect of a trade
24 secret or other confidential research, development, or commercial information.” Fed. R. Bankr.
25 P. 9018. In addition, the Bankruptcy Local Rules provide that “[n]o document may be filed under
26 seal . . . except pursuant to a Court order that authorizes the sealing of the particular document or
27 portions thereof.” Civil Local Rule 79-5 (which applies to this proceeding pursuant to
28 Bankruptcy Local Rule 1001-2(a)).

1 Mr. Levandowski provisionally requests to file a redacted motion *in limine* and to file the
2 below exhibits under seal:

- 3 • **Exhibit B** contains highly confidential information related to the February 2018
4 Uber-Waymo Settlement Agreement. This Court has previously approved the
5 sealing of any content that discusses or divulges the settlement agreement
6 negotiations or terms. *See, e.g.*, Adv. Dkt. Nos. 25, 28, 300, 307.
- 7 • **Exhibit C** contains information designated Highly Confidential by Uber pursuant
8 to the parties' Protective Order.
- 9 • **Exhibit D** contains information designated Highly Confidential by Uber pursuant
10 to the parties' Protective Order.
- 11 • **Exhibit E** contains information designated Highly Confidential by Uber pursuant
12 to the parties' Protective Order.
- 13 • **Exhibit H** contains information designated Highly Confidential by Uber pursuant
14 to the parties' Protective Order.
- 15 • **Exhibit I** contains details of the Stroz investigation, which Uber has previously
16 requested be sealed. *See* Adv. Dkt. No. 93. This Court has previously approved
17 the sealing of content related to the Stroz investigation. *See* Adv. Dkt. No. 95.
- 18 • **Exhibit L** contains confidential information related to the Google arbitration,
19 which Uber, Waymo, and Lior Ron have previously requested be sealed. This
20 Court has previously approved the sealing of the Google arbitration award. *See*
21 Adv. Dkt. No. 245.

22 Mr. Levandowski takes no position on whether any of the above exhibits should be sealed
23 from the public, but understands that Uber, Waymo, and non-parties to this action may ask for
24 these exhibits to remain sealed. Mr. Levandowski seeks to provide Uber, Waymo, and non-
25 parties with an opportunity to file supporting declarations establishing their confidentiality
26 interests pursuant to Civil Local Rule 79-5. Mr. Levandowski does not seek to file remaining
27 Exhibits A, F, G, J, and K under seal.

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III. CONCLUSION

For all of the foregoing reasons, Mr. Levandowski respectfully requests that the Court grant this Administrative Motion and enter the accompanying proposed order.

Dated: January 31, 2022

GOODWIN PROCTER LLP

By: /s/ Brett M. Schuman
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